

APPENDIX A: CERTIFICATES (GUIDELINES)

- A. General.** The following represent the general format for the certificates to be shown on plats. Other certificates than those shown may be required by the County Commission, when deemed appropriate. A corporate notary shall be used in place of an individual notary when appropriate.
- B. Dedication or Consent.** All parts of subdivisions must contain a Certificate of Dedication or Certificate of Consent. In the case of corporate ownership, the proper corporation officers must sign, corporate notary form must be used and the corporate seal must be affixed. The certificate shall read as follows:

CERTIFICATE OF DEDICATION

(I), (We), the undersigned property owner(s), do hereby certify that (I), (We), have caused to be surveyed, subdivided and platted into lots, parcels, blocks, roads and alleys, and other divisions and dedications, as shown by this plat hereunto included, the following described tract of land, to wit:

Description

(Exterior boundary description of Area Contained in Plat and Total Acreage)

the above described tract of land is to be know and designated as _____, Gallatin County, Montana; and the lands included in all roads, avenues, alleys, and parks or public squares shown on said plat are hereby granted and donated to the use of the public forever. The roadways dedicated to the public are accepted for public use, but the County accepts no responsibility for maintaining the same. The owner(s) agree(s) that the County has no obligation to maintain the roads hereby dedicated to public use.

DATED this _____ day of _____, A.D., 20 _____.

(Signature)

(Typed or Printed Name of Each Owner)

(Notary)

CERTIFICATE OF CONSENT

(I), (We), the undersigned property owner(s), do hereby certify that (I), (We), caused to be surveyed, subdivided and platted into lots, parcels, blocks, roads, and alleys, and other divisions and dedications, as shown by this plat hereunto included, the following described tract of land, to wit:

Description
(Exterior Boundary Description of Area Contained
in Plat and Total Acreage)

The above described tract of land is to be known and designated as _____, Gallatin County, Montana.

DATED this _____ day of _____, A.D., 20 _____.

(Signature)

(Typed or Printed Name of Each Owner)

(Notary)

- C. Mortgagee.** In those cases where the area being platted on the plat of subdivision is subject to any liens, mortgages, claims, or other encumbrances by party(ies) or other owner(s) the following certificate shall also be required:

CONSENT OF MORTGAGEE(S)

(I), (We), the undersigned mortgagee(s), do hereby join in and consent to the described plat, releasing our respective liens, claims or encumbrances as to any portion of said lands now being platted into roads, avenues, parks or other public uses and dedicated to the use of the public forever.

DATED this _____ day of _____, A.D., 20 _____.

(Signature)

(Typed or Printed Name of Each Owner)

(Notary or Corporate Notary)

- D. Cash-in-lieu of Park.** Where the park requirements are being waived in lieu of cash, plats of subdivision shall show the following certificates:

CERTIFICATE ACCEPTING CASH-IN-LIEU OF PARK DEDICATION

In as much as dedication of park land within the platted area of (Subdivision Name) would be undesirable for park and playground purposes, it is hereby ordered by the Board of County Commissioners, Gallatin County, that land dedication for park purposes be waived and that cash-in-lieu, to the amount of _____ dollars, be accepted in accordance with the provisions of the Montana Subdivision and Platting Act, Section 76-3-101 through 76-3-625, MC., and the Gallatin County Subdivision Regulations.

DATED this _____ day of _____, A.D., 20 ____.

(Signature)

(Chairman, Board of County Commissioners)

- E. Surveyor.** All plats of subdivision shall contain a Certificate of Surveyor and shall read as follows:

CERTIFICATE OF SURVEYOR

I, the undersigned, (Type or Print Name), (Registered Land Surveyor), do hereby certify that between _____, 20____, and _____, 20____, I surveyed (Name of Subdivision), _____, and described the same as shown on the accompanying plat and platted in accordance with the provisions of the Montana Subdivision and Platting Act, Section 76-3-101 through 76-3-625, MCA, and the Gallatin County Subdivision Regulations.

DATED this _____ day of _____, A.D., 20 ____.

(Signature)

(Printed or Typed Name) <i>Registration No.</i> (Seal of Surveyor)
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- F. Improvements.** Where improvements are to be installed prior to final plat approval, the plat of subdivision shall contain a Certificate of Completion of Public Improvements (to be submitted with application for approval of final subdivision plat). The certificate shall read as follows:

CERTIFICATE OF COMPLETION OF IMPROVEMENTS	
(I, (Name of Subdivider), and I, (Name of Subdivider's Registered Engineer), a registered professional engineer licensed to practice in the State of Montana, hereby certify that the public improvements, required as a condition of approval of (Name of Subdivision), have been installed in conformance with the approved engineering specifications and plans.	
(Signature of Subdivider) _____	(Date) _____
(Signature of Professional Engineer) _____	(Date) _____
Registration No. _____	(Engineer's Seal)

- G. Director of Public Service.** Section 7-3-4444, MCA, requires that all plats within corporate limits or within three miles thereof be approved by the director of public service prior to filing at the Clerk and Recorder's Office, to ensure that all streets and alleys are "of proper width" and are "coterminous with the adjoining streets and alleys and that all other regulations are conformed with". No plat subdividing land within three miles of corporate limits can be filed at the Clerk and Recorder's Office "without such written approval endorsed thereon".

CERTIFICATE OF DIRECTOR OF PUBLIC SERVICE
I, Director of Public Service, (City/Town of _____), Montana, do hereby certify that the accompanying plat has been duly examined as required in Section 7-3-4444, M.C.A., and that all streets and alleys are of proper width and are coterminous with

adjoining streets and alleys, and all other regulations are conformed with. DATED this _____ day of _____, A.D., 20 _____. <div style="text-align: right;"> <i>(Signature)</i> _____ Director of Public Service </div>
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H. County Commission. The County Commission shall certify approval of the plat of subdivision. Said certificate shall read as follows:

<p style="text-align: center;">CERTIFICATE OF COUNTY COMMISSIONERS</p> <p>I, (the Chairman of the Board of County Commissioners), Gallatin County, Montana, do hereby certify that the accompanying plat has been duly examined and have found the same to conform to the law, approve it, and hereby accept the dedication to public use.</p> <p>DATED this _____ day of _____, A.D., 20 _____. <div style="text-align: right;"> <i>(Signature)</i> _____ Chairman, Board of County Commissioners </div> </p>

I. County Treasurer. All final subdivision plats shall show the following Certificate of County Treasurer:

<p style="text-align: center;">CERTIFICATE OF COUNTY TREASURER</p> <p>I, (Name of County Treasurer), Treasurer of Gallatin County, Montana, do hereby certify that the accompanying plat has been duly examined and that all real property taxes and special assessments assessed and levied on the land to be subdivided have been paid.</p> <p>DATED this _____ day of _____, A.D., 20 _____. <div style="text-align: right;"> <i>(Signature)</i> _____ Treasurer of Gallatin County </div> </p>

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J. Clerk and Recorder Certificates.

1. All Subdivision plats and Amended Subdivision plats shall show the following Certificate of Clerk and Recorder:

<p style="text-align: center;">CERTIFICATE OF CLERK AND RECORDER</p> <p>I, (Name of Clerk and Recorder), Clerk and Recorder of Gallatin County, Montana, do hereby certify that the foregoing instrument was filed in my office at _____ o'clock, (a.m., or p.m.), this _____ day of _____, A.D., 20____, and recorded in Book _____, of Plats on Page _____, as <u>Document No. _____</u>, Records of the Clerk and Recorder, Gallatin County, Montana.</p> <p style="text-align: right;">(Signature) Clerk and Recorder</p>
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2. All Minor Subdivision plats and Amended Minor Subdivision plats shall show the following Certificate of Clerk and Recorder:

<p style="text-align: center;">CERTIFICATE OF CLERK AND RECORDER</p> <p>I, (Name of Clerk and Recorder), Clerk and Recorder of Gallatin County, Montana, do hereby certify that the foregoing instrument was filed in my office at _____ o'clock, (a.m., or p.m.), this _____ day of _____, A.D., 20____, and recorded as Minor Subdivision No. _____, and Document No. _____, Records of the Clerk and Recorder, Gallatin County, Montana.</p> <p style="text-align: right;">(Signature) Clerk and Recorder</p>

3. All Certificates of Survey shall show the following Certificate of Clerk and Recorder:

CERTIFICATE OF CLERK AND RECORDER

I, (Name of Clerk and Recorder), Clerk and Recorder of Gallatin County, Montana, do hereby certify that the foregoing instrument was filed in my office at _____ o'clock, (a.m., or p.m.), this _____ day of _____, A.D., 20____, and recorded as Certificate of Survey No. _____, and Document No. _____, Records of the Clerk and Recorder, Gallatin County, Montana.

(Signature)
Clerk and Recorder

- K. Exemption Certificates.** The following represents examples of certificates to be used on certificates of surveys for the following types of exemptions: relocation of common boundaries, land gift or sale to family member, agricultural exemption, and security for construction.

**CERTIFICATE OF EXEMPTION
(RELOCATION OF COMMON BOUNDARY)**

We certify that the purpose of this survey is to relocate common boundaries between adjoining properties. Therefore this survey is exempt from review as a subdivision pursuant to Section 76-3-207(1)(a), MCA.

DATED this _____ day of _____, A.D., 20____.

(Signature)
Property Owner(s)

**CERTIFICATE OF EXEMPTION
(FAMILY GIFT OR SALE)**

I certify that the purpose of this survey is to create Tract _____ for transfer of ownership as a family gift or sale and that no prior family gift or sale has been conveyed to _____ and that this exemption complies with all conditions imposed on its use. Therefore this survey is exempt from review as a subdivision pursuant to Section 76-3-207(1)(b), MCA, and the Gallatin County Subdivision Regulations.

DATED this _____ day of _____, A.D., 20 ____ .

(Signature(s))

Property Owner(s)

**CERTIFICATE OF EXEMPTION
(FOR AGRICULTURAL PURPOSES)**

I certify that the purpose of this survey is to create Tract _____ for gift or sale, which is to be used for agricultural purposes only, and that this exemption complies with all conditions imposed on its use. Therefore, this survey is exempt from review as a subdivision pursuant to Section 76-3-207(1)(c), MCA and the Gallatin County Subdivision Regulations.

I also hereby enter a covenant, to run with the land, that Tract _____ as shown hereon, will be used exclusively for agricultural purposes only. No building or structure requiring water or sewer facilities shall be utilized on Tract _____. This covenant is revocable only by the mutual consent of the governing body and the property owner.

DATED this _____ day of _____, A.D., 20 ____ .

(Signature)

Property Owner(s)

**CERTIFICATE OF EXEMPTION
(SECURITY FOR MORTGAGES, LIENS, TRUST INDENTURES FOR
CONSTRUCTION, IMPROVEMENTS TO THE LAND BEING DIVIDED, OR
REFINANCING)**

I certify that the purpose of this survey is to create a parcel of land to provide security for (Type of Security: mortgage, lien, trust indenture, construction, improvements to the land, refinancing), and that this exemption complies with all conditions imposed on its use. Therefore, this survey is exempt from review as a subdivision pursuant to Section 76-3-201(1)(b) MCA of the Subdivision and Platting Act and from review by the Montana Department of Environmental Quality pursuant to 76-4-125(2)(a) MCA.

DATED this _____ day of _____, A.D., 20 ____ .

(Signature)

Property Owner(s)

- L. Exemption Certificates.** If the exemption is allowed, the County Commission shall so certify in a printed certificate on the certificate of survey.

I, Chairman of the Board of County Commissioners, do hereby certify that the use of the exemption claimed on the accompanying Certificate of Survey has been duly reviewed, and has been found to conform to the requirements of the Subdivision and Platting Act, Section 76-3-101 et. seq. MCA, and the Gallatin County Subdivision Regulations.

DATED this _____ day of _____, A.D., 20 ____ .

(Signature)

Chairman, Board of County
Commissioners

- M. Correction of Errors.** All Subdivision Plats or Certificates of Survey that are being recorded for the purpose of correction of errors shall include the following Certificate of Surveyor:

CERTIFICATE OF SURVEYOR

I, the undersigned, (Type or Print Name), (Registered Land Surveyor), do hereby certify that this survey is being corrected to (reason for correction).

DATED this _____ day of _____, A.D., 20 ____ .

(Signature)

(Printed or Typed Name)

Registration No.

(Seal of Surveyor)

